

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Jyri Jarvenkyla	) Group Art Unit: 3754
	)
Serial No.: 10/597,345	) Examiner: Not yet assigned
	)
International Application Filing Date: 01/20/2005	)
	)
For: MULTILAYER PIPE	)
	)

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**SUBMISSION AND PAYMENT OF DEFICIENCY OWED  
UNDER 37 C.F.R. § 1.28 (c)(1) & (c)(2)**

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The present communication comprises a submission of a deficiency payment owed pursuant to 37 C.F.R. § 1.28(c)(1) and (c)(2). Although the Applicant established its status as a small entity in good faith, the Applicant subsequently determined that such status was established in error. The deficiency payments owed due to the Applicant's error in establishing small entity status are detailed below, and payment for such deficiency is provided herewith.

The deficiency owed by the Applicant for each previous fee which was paid as a small entity is itemized in Table I below.

**Table 1: Itemization of Deficiency Owed**

<i>Fee type</i>	<i>Current large entity fee amount</i>	<i>Previous small entity fee paid</i>	<i>Date small entity fee paid</i>	<i>Deficiency amount owed</i>
Basic National Stage Fee	310.00	150.00	7/21/2006	\$150.00
Claims – Extra over 20	\$1,700.00	\$850.00	7/21/2006	\$850.00
Claims Extra Independent Over 3	\$210.00	\$200.00	7/21/2006	\$10
National Stage Exam Fee	\$210.00	\$100.00	7/21/2006	\$100.00
National Stage Search Fee	N/A	\$250.00	7/21/2006	\$-0-
National Stage Search Fee	N/A	-\$250.00	9/8/2006	\$-0-
National Stage Search Fee	\$410.00	\$200.00	9/8/2006	\$200.00
<b>Total</b>	<b>\$2,840.00</b>	<b>\$1,500.00</b>		<b>\$1,340.00</b>

The National Stage Search Fee paid on July 21, 2006 was refunded on September 8, 2006 because the amount previously paid (\$250.00) was in error, and on the same day the correct fee (\$200.00) was charged. This occurred prior to the Applicant's realization that it had claimed small entity status in error. In view of this sequence of events, the deficiency owed for the National Stage Search Fee has been calculated using the amount charged on September 8, 2006 (\$200.00). In the interest of full disclosure, however, the charging and refunding of the erroneous National Stage Search Fee is included in Table 1, with an indication of "N/A" (not applicable) in the column titled "Current large entity fee amount."

The Commissioner is hereby authorized to charge the total deficiency owed, \$1,340.00, to Deposit Account No. 19-2090. If it is determined that the deficiency owed differs from this amount, the Commissioner is authorized to charge any additional amount owed or credit any overpayment to Deposit Account No. 19-2090.

In view of the foregoing, the Applicant respectfully requests that its error in establishing small entity status be excused. If there are any questions regarding this communication, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

SHELDON MAK ROSE & ANDERSON

Date: November 16, 2007

By: /Michael Fedrick/  
Michael Fedrick  
Reg. No. 36,799

100 E. Corson Street, Third Floor  
Pasadena, California 91103-3842  
(626) 796-4000  
Customer No. 23676

Effective on 12/08/2004.  
 Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2008

☐ Applicant claims small entity status. See 37 CFR 1.27

<b>TOTAL AMOUNT OF PAYMENT</b>	<b>(\$)</b>	<b>\$1,340.00</b>
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<b>Complete if Known</b>	
Application Number	10/597,345
Filing Date	January 20, 2005
First Named Inventor	Jyri Jarvenkyla
Examiner Name	Not yet assigned
Art Unit	3754
Attorney Docket No.	17085US

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 192090 Deposit Account Name: Sheldon Mak Rose & Anderson

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or any underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid(\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

### 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185
<b>Multiple Dependent Claims</b>		
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 20 or HP =	x	\$50.00 = \$0.00
HP = highest number of total claims paid for, if greater than 20.		
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 3 or HP =	x	\$210.00 = \$0.00
HP = highest number of independent claims paid for, if greater than 3.		

**3. APPLICATION SIZE FEE**  
 If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof.  
 See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	0	/ 50	0	(round up to a whole number) x \$260.00 = \$0.00

### 4. OTHER FEE(S)

Non-English specification, \$130 fee (no small entity discount)  
 Other (e.g., late filing surcharge): Payment of Deficiency Owed

## SUBMITTED BY

Signature	/michael fedrick/	Registration No. (Attorney/Agent)	36799	Telephone	626-796-4000
Name (Print/Type)	Michael Fedrick			Date	November 16, 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.